

Federal Maritime Commission

§ 501.27

(2) New agreements authorizing the parties to pool cargoes or revenues.

(3) New agreements authorizing the parties to establish a joint service or consortium.

(4) New sailing agreements.

(5) New equal access agreements.

(j) Authority to grant or deny shortened review pursuant to §572.605 of this chapter for agreements for which authority is delegated in paragraph (i) of this section.

(k) Subject to review by the General Counsel, authority to deny, but not approve, requests filed pursuant to §572.605 of this chapter for a shortened review period for agreements for which authority is not delegated under paragraph (i) of this section.

(l) Authority to issue notices of termination of agreements which are otherwise effective under the Shipping Act of 1984, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are:

(1) Requested by the parties to the agreement;

(2) Deemed to have occurred when it is determined that the parties are no longer engaged in activity under the agreement and official inquiries and correspondence cannot be delivered to the parties; or

(3) Deemed to have occurred by notification of the withdrawal of the next to last party to an agreement without notification of the addition of another party prior to the effective date of the next to last party's withdrawal.

(m) Authority to determine whether agreements for the use or operation of terminal property or facilities, or the furnishing of terminal services, are within the purview of section 5 of the Shipping Act of 1984.

(n) Authority to request controlled carriers to file justifications for existing or proposed rates, charges classifications, rules or regulations, and review responses to such requests for the purpose of recommending to the Commission that a rate, charge, classification, rule or regulation be found unlawful and, therefore, requires Commission action under section 9(d) of the Shipping Act of 1984.

(o) Authority to recommend to the Commission the initiation of formal proceedings or other actions with re-

spect to suspected violations of the shipping statutes and rules and regulations of the Commission.

[59 FR 954, Jan. 7, 1994, as amended at 59 FR 54396, Oct. 31, 1994; 59 FR 67228, Dec. 29, 1994; 61 FR 9944, Mar. 12, 1996; 61 FR 14032, Mar. 29, 1996; 61 FR 66617, Dec. 18, 1996]

§501.27 Delegation to and redelegation by the Director, Bureau of Tariffs, Certification and Licensing.

Except where specifically redelegated in this section, the authorities listed in this section are delegated to the Director, Bureau of Tariffs, Certification and Licensing.

(a)(1) Authority to approve for good cause or disapprove special permission applications submitted by common carriers, or conferences of such carriers, subject to the provisions of section 8 of the Shipping Act, 1984, section 18 of the Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act of 1933, for relief from statutory and/or Commission tariff requirements.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(b)(1) Authority to approve or disapprove special permission applications submitted by a controlled carrier subject to the provisions of section 9 of the Shipping Act of 1984 for relief from statutory and/or Commission tariff requirements.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(c)(1) Authority contained in Supplemental Report No. 4 and Order in Docket No. 90-23, Notice of Inquiry on Ocean Freight Tariffs in Foreign and Domestic Offshore Commerce—Tariffs and Service Contracts, to grant special permission to deviate from the requirement that electronically-filed tariffs become effective no later than 90 days from the last day of the applicable filing window.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(d) Authority contained in Part 514 of this chapter to temporarily exempt common carriers from the electronic

tariff filing requirements of that part for a period not to exceed 90 days from the filing dates set forth in Supplemental Report No. 4 and Order, served in Docket No. 90-23 on May 28, 1993.

(e)(1) Authority to reject tariff filings of common carriers in the foreign and domestic offshore commerce of the U.S. or conferences of such carriers for failure to meet the requirements of pertinent statutes or the Commission's regulations, for lack of completeness or clarity, or for noncompliance with special permission or other orders of the Commission.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs; Chief, Tariff Control Center and Senior Transportation Specialists in the Bureau of Tariffs, Certification and Licensing.

(f) Authority to issue notices of intent to cancel inactive tariffs of common carriers in the foreign and domestic offshore commerce and marine terminal operators, after a diligent effort has been made to locate the carrier/terminal operator without success, or if the carrier/terminal operator has advised the Commission that it no longer offers a carrier/terminal operator service but refuses to cancel its tariff upon written request; and to cancel such tariff if, within 30 days after publication, the carrier/terminal operator does not furnish reasons why such tariff should not be canceled.

(g)(1) Authority to:

(i) Approve or disapprove applications for ocean freight forwarder licenses; issue or reissue or transfer such licenses; and approve extensions of time in which to furnish the name(s) and ocean freight forwarding experience of the managing partner(s) or officer(s) who will replace the qualified partner or officer upon whose qualifications the original licensing was approved;

(ii) Issue a letter stating that the Commission intends to deny an application, unless within 20 days, applicant requests a hearing to show that denial of the application is unwarranted; deny applications where an applicant has received such a letter and has not requested a hearing within the notice period; and rescind, or grant extensions of, the time specified in such letters;

(iii) Revoke the license of an ocean freight forwarder upon the request of the licensee;

(iv) Upon receipt of notice of cancellation of any bond, notify the licensee in writing that its license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted and approved prior to such date, and subsequently order such suspension or revocation for failure to maintain a bond;

(v) Approve changes in an existing licensee's organization; and

(vi) Return any application which on its face fails to meet the requirements of the Commission's regulations, accompanied by an explanation of the reasons for rejection.

(2) The authorities contained in paragraphs (g)(1)(iii) and (g)(1)(iv) of this section are redelegated to the Chief, Office of Freight Forwarders, in the Bureau of Tariffs, Certification and Licensing.

(h) Authority to:

(1) Approve applications for Certificates (Performance) and Certificates (Casualty) evidenced by a surety, insurance or guaranty issued by an approved entity, and issue, reissue, or amend such Certificates;

(2) Issue a written notice to an applicant stating intent to deny an application for a Certificate (Performance) and/or (Casualty), indicating the reason therefor, and advising applicant of the time for requesting a hearing as provided for under § 540.26(c) of this chapter; deny any application where the applicant has not submitted a timely request for a hearing; and rescind such notices and grant extensions of the time within which a request for hearing may be filed;

(3) Issue a written notice to a certificant stating that the Commission intends to revoke, suspend, or modify a Certificate (Performance) and/or (Casualty), indicating the reason therefor, and advising of the time for requesting a hearing as provided for under § 540.26(c) of this chapter; revoke, suspend or modify a Certificate (Performance) and/or (Casualty) where the certificant has not submitted a timely request for hearing; and rescind such notices and grant extensions of time

Federal Maritime Commission

§ 501.30

within which a request for hearing may be filed;

(4) Revoke a Certificate (Performance) and/or (Casualty) which has expired, and/or upon request of, or acquiescence by, the certificant; and

(5) Notify a certificant when a Certificate (Performance) and/or (Casualty) has become null and void in accordance with §§ 540.8(a) and 540.26(a) of this chapter.

(i) Authority contained in § 514.7(j) of this chapter to notify filing parties of the Commission's intent to reject a service contract and/or statement of essential terms and subsequently reject and return such contracts.

(j) Authority contained in part 514 of this chapter to approve, but not deny, requests for permission to correct clerical or administrative errors in the essential terms of filed service contracts.

(k) Authority contained in parts 514 and 583 of this chapter to cancel the tariffs of NVOCCs who fail to file a surety bond, guaranty or insurance policy or, if required, designate an agent for receipt of process, or whose surety bond or agent designation is canceled.

(l) Authority contained in Parts 514 and 582 of this chapter to cancel the tariff or tariffs of any common carrier, and suspend the license of any ocean freight forwarder, who fails to file an anti-rebate certification.

(m) Authority to approve or disapprove applications as specified in Part 552 of this chapter for extensions of time for filing (§ 552.2(c)), alternative data (§ 552.2(d)) and waiver of detailed filing requirements (§ 552.2(e)).

(n) Authority contained in § 514.8(d)(4)(ii) of this chapter to approve minor changes and additions to transaction set data for the ATFI system. Such minor changes include additions to any of the following term and reference lists: Cities; States and Provinces; Countries; Ports; Container sizes; Container types; Container temperatures; Hazard codes; Inland modes, Packaging types, Rate bases; Service types; Stuffing mode; Stripping mode; and Currencies.

(o) [Reserved]

(p) Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes

and rules and regulations of the Commission by freight forwarders; authority to determine corrective action necessary with respect to violations except where violations involve major questions of policy or major interpretations of statutes, or orders, rules, and regulations of the Commission, or acts having material effect upon the commerce of the U.S.; and authority to recommend to the Commission the initiation of formal proceedings or other actions with respect to such alleged or suspected violations.

[59 FR 954, Jan. 7, 1994, as amended at 59 FR 54396, Oct. 31, 1994; 60 FR 27229, May 23, 1995; 60 FR 27698, May 25, 1995]

§ 501.28 Delegation to the Director, Bureau of Enforcement.

The authorities listed in this section are delegated to the Director, Bureau of Enforcement. Notwithstanding the provisions of § 501.21, the Director may delegate or redelegate, in writing, specific authority to individuals within the Bureau of Enforcement other than the Deputy Director.

(a) Authority to compromise civil penalty claims has been delegated to the Director, Bureau of Enforcement, by § 502.604(g) of this chapter. This delegation shall include the authority to compromise issues relating to the retention, suspension or revocation of ocean freight forwarder licenses. See also §§ 501.5(i) and 501.21.

(b) Authority to approve administrative leave for Area Representatives.

[60 FR 57941, Nov. 24, 1995, as amended at 61 FR 51231, Oct. 1, 1996]

§ 501.29 [Reserved]

§ 501.30 Delegation to and redelegation by the Director, Bureau of Administration.

Except where specifically redelegated in this section, the authorities listed in this section are delegated to the Director, Bureau of Administration, and, in the absence or preoccupation of the Director, to the Deputy Director of that Bureau.

(a)(1) Authority is delegated to the Director, Bureau of Administration, to approve, certify, or otherwise authorize those actions dealing with appropriations of funds made available to the